

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 1:21-cv-11181-DPW

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES LLC,

Plaintiffs,

v.

EBAY, INC., PROGRESSIVE F.O.R.C.E.
CONCEPTS, LLC, DAVID WENIG, STEVE
WYMER, JAMES BAUGH, DAVID
HARVILLE, BRIAN GILBERT, STEPHANIE
POPP, STEPHANIE STOCKWELL, VERONICA
ZEA, PHILIP COOKE, and JOHN AND JANE
DOE

Defendants.

DEFENDANT STEPHANIE POPP’S MOTION TO DISMISS

Defendant Stephanie Popp (“Ms. Popp”) hereby moves, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss Counts II-XII of the Complaint for failure to state a claim upon which relief may be granted.


First, the Complaint brings each claim against “all Defendants” but does not specify Ms. Popp’s role in most of the claims alleged, thereby failing to put Ms. Popp on notice as to how she is purportedly liable under each cause of action. *See* Fed. R. Civ. P. 8(a). Further, the Complaint fails to establish the necessary elements of nearly all of the claims Plaintiffs have brought against Ms. Popp (and, in some cases, asserts claims that do not exist under Massachusetts law). For these reasons, and those set forth in the supporting Memorandum filed herewith, Plaintiffs have failed to state a claim as a matter of law against Ms. Popp as to Counts II-XII.

WHEREFORE, Ms. Popp respectfully requests that this Court dismiss those counts with prejudice.

Respectfully submitted,

STEPHANIE POPP,

By her attorney,



Alexandra H. Deal (BBO #660645)
Paik, Brewington & Deal, LLP
6 Beacon Street, Suite 305
Boston, MA 02108
(617) 439-0150
adeal@pbdllaw.com

Dated: November 29, 2021

CERTIFICATION PURSUANT TO L.R. 7.1(A)(2)

Undersigned counsel certifies that she has conferred with counsel for Plaintiffs in a good-faith effort to resolve or narrow the issues raised by this Motion pursuant to Local Rule 7.1(a).



Alexandra H. Deal